



THE CITY OF SAN DIEGO

City of San Diego  
Planning & Development Review  
**Building Development Review**  
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# Building Newsletter 1-3

## Change of Responsible Party

Interpretations of State and Local Building Codes  
1998 California Building Code  
Revision Date: July 1999

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The Planning and Development Review Department often receives requests to change the owner, contractor, architect, engineer, inspection agency or designer information provided on a permit application, plans, engineering design calculations, foundation investigation or other documents related to a construction project. To assure continuity of responsibility for the project, the following procedures must be followed in making such changes.

### I. Change Prior to Issuance of a Permit

A. When a change of owner of record is desired *prior* to issuance of a permit, the following steps must be taken. The new owner of record shall submit to the Building Official the following information:

1. A statement that the new owner has a legal or equitable interest in the property where the proposed project is to be located.
2. A statement that the new owner has the consent of the original owner of record to be named as the responsible owner of record on all pertinent construction documents.
3. The date of transfer of ownership.
4. The name and address of the new owner of record as recorded with the County Recorder and listed with the Tax Assessor.

B. When a change of contractor of record is desired *prior* to issuance of a permit, the new contractor of record shall provide to the Building Official the following information:

1. The date the new contractor of record contracted with the owner to begin work on this project.
2. A declaration that the new contractor of record assumes full responsibility for all work to be authorized by this permit including all work performed by the original contractor.

C. When a change of architect or engineer of record is desired *prior* to issuance of the permit, the new architect or engineer of record shall provide a statement to the Building Official that will include:

1. A declaration that the new architect or engineer of record has reviewed all plans, documents, test and inspection reports, and other work performed by the previous architect or engineer and concurs with the statements, conclusions and recommendations therein or that the new architect or engineer of record will submit alternate plans, reports, and other work replacing the existing de-

sign documents.

2. A statement that the new architect or engineer of record assumes all responsibility for any revisions to documents prepared by the previous architect or engineer of record subsequent to the date of hire.
3. A statement that the new architect or engineer of record assumes all of the responsibilities and obligations related to that portion of the documents the original architect or engineer of record prepared and was obligated to prepare by the laws of the State of California and the regulations of the City of San Diego.

### II. Change After Issuance of a Permit

A. When a change of owner of record is desired *after* issuance of a permit, the following steps must be taken:

1. The new owner of record shall comply with all requirements listed in Section I, Item A above and, in addition, shall include the following:
  - a. A statement that the new owner agrees to assume full responsibility for satisfactory completion of all work authorized under the permit, including work performed prior to assuming ownership.
  - b. A statement that the new owner agrees to assume full responsibility for payment of any monies owed or due to the City of San Diego for this project.
2. The applicant shall complete a new permit application indicating the change of owner of record to be filed with the original application in the permanent records of the Planning and Development Review Department.
3. All plans and other documents shall be revised by the party responsible for their preparation to indicate the change of ownership.

B. When a change of contractor of record is desired *after* issuance of a permit, the following steps must be taken:

1. The applicant shall provide to the Building Official the following information:
  - a. A statement that the original contractor of record is no longer the project contractor.
  - b. The date the contract to perform the work authorized by the permit was terminated.
2. The applicant shall complete a new permit appli-

cation indicating the change of contractor to be filed in the permanent records of the Planning and Development Review Department.

- C. When a change of architect or engineer of record is desired *after* issuance of a permit, the new architect or engineer of record shall comply with Section I, Item C.2 above and, in addition, shall include a statement that the new architect or engineer of record assumes all responsibility for any subsequent work on the project under this permit and within their review, including any exceptions noted by the original architect or engineer.

### **III. Hold Harmless Clause**

Every request for a change of responsible party shall include a clause holding the City of San Diego harmless for any loss or liability occurring as a result of a change of responsible party related to the permitted work.

### **IV. Review by City Attorney**

Any request for a change of responsible party related to permitted work regulated by the Planning and Development Review Department is subject to review and

approval by the City Manager and the City Attorney.

### **V. Nonconforming Change of Responsible Party**

When a change of responsible party occurs that does not conform to the conditions specified in Sections I through IV above, the Building Official shall suspend that permit until those conditions have been met.

### **VI. Issuance of a New Permit**

When a permit is revoked or has expired and a new permit application is submitted to complete the work, the Building Official shall cause the building or structure to be inspected by the department to determine the amount of work that has been done and if that work was performed in accordance with the laws and regulations of the City of San Diego and the State of California. The owner shall be responsible for the cost of these inspections.

When nonconforming work is encountered, the owner shall be responsible for bringing that work into conformance prior to issuance of the new permit for completion of the work unless the contractor agrees, in writing, to include that corrective work in the scope of work of the new permit.